

STEPHEN R. HARRIS, ESQ.
BELDING, HARRIS & PETRONI, LTD.
Nevada Bar No. 001463
417 West Plumb Lane
Reno, Nevada 89509
Telephone: (775) 786-7600
Facsimile: (775) 786-7764
E-Mail: steve@renolaw.biz
Attorneys for Debtor

ELECTRONICALLY FILED BY
BELDING, HARRIS & PETRONI, LTD.

ON 2/19/10

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

* * * * *

IN RE:

Case No.: BK-10-50479

Chapter 11

THE HOLDER GROUP RED
GARTER, LLC, a Nevada limited
liability company

**DEBTOR'S MOTION TO DISMISS
CHAPTER 11 CASE**

Debtor.

Hrg. DATE:

Hrg. TIME:

Est. Time: 5 minutes

Set By: Judge Zive

COMES NOW Debtor THE HOLDER GROUP RED GARTER, LLC, a Nevada limited liability company ("Debtor"), by and through its attorney of record, STEPHEN R. HARRIS, ESQ., of BELDING, HARRIS & PETRONI, LTD., and hereby files its DEBTOR'S MOTION TO DISMISS CHAPTER 11 CASE, and alleges as follows:

1. The Debtor filed a voluntary petition for Chapter 11 reorganization relief on February 19, 2010, and since that date, has retained its Debtor-in-Possession status.

2. Debtor owns and operates a casino in West Wendover, Nevada, commonly known as the Red Garter Hotel/Casino.

3. The instant Chapter 11 case was filed on February 19, 2010 after negotiations with the Debtor's largest secured and unsecured creditor, failed. However, at the time of the electronic upload

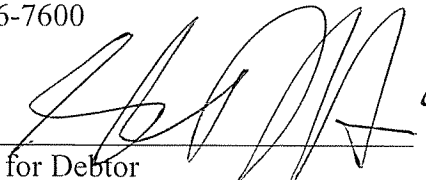
1 of the instant Chapter 11 case via ECF, Debtor's counsel encountered various technical difficulties
 2 in attempting to file the Voluntary Petition. During the time when Debtor's counsel, through his staff,
 3 was struggling to file the Chapter 11 case, the Debtor had decided not to file the Chapter 11 case and
 4 instead continue negotiations with its secured and unsecured creditor. However, by the time the
 5 negotiations were concluded, a Voluntary Petition had already been filed and a case number assigned,
 6 and there was no way to abort the Chapter 11 filing. Accordingly, the Debtor desires at this time to
 7 dismiss its Chapter 11 case which was filed in error, before a creditor's meeting is scheduled or any
 8 other Chapter 11 administrative proceedings are set.

10
 11 5. 11 U.S.C. § 1112(b) gives the Court authority to dismiss a case under Chapter 11, upon
 12 request of a party in interest and after notice and hearing, if said dismissal is in the best interest of
 13 creditors and the estate. The Debtor believes that it is in the best interests of its creditors to dismiss
 14 its Voluntary Chapter 11 Petition filed herein for the reasons set forth above.

15 **WHEREFORE**, Debtor, THE HOLDER GROUP RED GARTER, LLC, a Nevada limited
 16 liability company, requests that the filing of its Voluntary Petition for Chapter 11 relief be set aside
 17 and that its petition for relief under Chapter 11 of the Bankruptcy Code be dismissed, without
 18 prejudice, as set forth herein; and for such other and further relief as the Court deems just under the
 19 circumstances.

20
 21 DATED this 19th day of February, 2010.

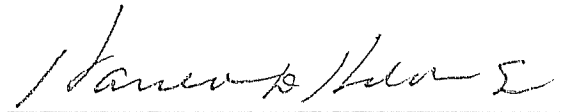
22
 23 STEPHEN R. HARRIS, ESQ.
 24 BELDING, HARRIS & PETRONI, LTD.
 25 417 W. Plumb Lane
 26 Reno, NV 89509
 27 (775) 786-7600

28

 Attorney for Debtor

VERIFICATION

Under penalties of perjury, the undersigned declares that he is the Manager of THE
HOLDER GROUP RED GARTER, LLC, a Nevada limited liability company, named in the foregoing
DEBTORS' MOTION TO DISMISS CHAPTER 11 CASE, that he knows the contents thereof; that
the contents are true of his own knowledge, except as to those matters stated on information and
belief, and that as to such matters he believes them to be true.

Dated this 19th day of February, 2010.



HAROLD HOLDER, SR., Manager
THE HOLDER GROUP RED GARTER, LLC,
a Nevada limited liability company